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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 003247

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SUBJECT: ATIKU TO SEEK AC NOMINATION: WORRIED ABOUT REACTION

REF: ABUJA 3217

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Classified By: Charge d'Affaires Thomas Furey for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY. The Vice President will actively seek the nomination of the Action Congress (AC) on December 20 in Lagos, according to one of his closest advisers. But Atiku is also deeply concerned that President Obasanjo will react swiftly by declaring his seat vacant and replacing him with current PDP presidential candidate Umaru Yar'Adua. Atiku has been emboldened by the findings of a team of his lawyers, who unanimously agree the constitution does not provide a change in parties as grounds for removing the vice president. Following Atiku's AC nomination, a joint committee of the AC and ANPP will begin deliberations to agree on a consensus candidate to oppose PDP's Yar'Adua. END SUMMARY.

¶2. (C) In a conversation on December 19 with Poloff in Abuja before departing on the last flight to Lagos for the AC convention, vice-presidential advisor, and Chairman of the House Foreign Relations Committee, Usman Bugaje said that the political contest between the Vice President and the President had reached "scary" dimensions. With less than 24 hours to go before the AC convention Atiku was deeply concerned about the reaction of President Obasanjo who has signaled that his goal is to permanently sideline the vice-president.

¶3. (C) In preparation for leaving the party, Bugaje said, the VP had sought out the legal opinion of more than a dozen leading lawyers in Nigeria about whether switching parties was a legal justification for declaring his seat vacant. Bugaje said that the lawyers unanimously agreed that the law does not support this view. The lawyers made a variety of arguments about what the law said, but pointed out that the constitution stipulated that a vacancy as a result of party change is applicable to National Assembly and State House Assembly members, but not the president, vice-president, deputy governors or governors. Bugaje said this explained why the current governors of Jigawa and Sokoto states, who had both switched parties, had not had their seats declared vacant. The unanimous reading of the law by a diverse group of lawyers has emboldened the VP to proceed and seek the nomination, Bugaje said.

¶4. (C) Despite the VP's public resolve, privately, Bugaje said, Atiku was concerned with the president's reaction.

Bugaje said that the VP's camp had heard that the President Obasanjo planned to declare the VP seat vacant and replace him with Yar'Adua immediately at the end of the convention. The VP had beefed up his personal security and also had his legal team on stand-by. Bugaje said the stakes were raised this week when the VP accused the President of misusing the Petroleum Technology Development Fund (PTDF). The allegations of corruption made headlines and had further raised tensions, Bugaje said. As a result, Bugaje said, the VP remained concerned that the president might seek to have him arrested after the convention.

¶ 15. (C) In making the case for a strong Atiku candidacy, Bugaje said that the VP was a more attractive candidate than all the other opposition contenders. He said that Buhari's record as a former president, and his military background worked against him. Atiku, he said, also had strong support in southern Nigeria, something Buhari lacked. This would be Atiku's bargaining position after he won the AC nomination and discussion aimed at naming a consensus opposition candidate commenced between the AC and the All Nigerian People's Party (ANPP) (Reftel).

¶ 16. (C) Bugaje said that an 18-member committee composed of nine members from each party would hammer out a consensus candidate. The committee would weigh the electoral strength of each candidate and seek to position itself to contest the north-south ticket of the PDP. Consensus must be reached within 30 days to allow each party the opportunity to substitute names for the presidential nomination. While Bugaje made a strong case for the vice-president being the ultimate consensus candidate, he said that the ultimate objective, is to defeat PDP at the polls in April 2007.

7 (C) Comment: The AC convention is the point of no return for Vice President Atiku. While his advisors say he remains

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resolved in the face of rumors about his seat being declared vacant and the subsequent potential for his arrest and prosecution, he is clearly concerned. His strategy on all fronts, political and public relations, (as is the case with many Nigerian politicians) is that the best defense is a good offense. The consequences of that strategy, both for Atiku and for Nigeria, are likely to become apparent soon after the conclusion of the AC convention.

FUREY